

REMARKS/ARGUMENTS

These remarks are offered in response to the Office Action of July 10, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Office is expressly authorized to charge any deficiencies, or credit any overpayments to Deposit Account 50-0951.

Claim Rejections – 35 USC § 103

Claims 1, 3-6, 8-14, 16, 17, 21, 23-30, and 32-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,549,612 to Gifford, *et al.* (hereinafter Gifford), in view of U.S. Patent 6,857,008 to Shenefiel (hereinafter Shenefiel), and further in view of U.S. Patent 5,937,160 to Davis, *et al.* (hereinafter Davis). Claims 7, 15, and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gifford, in view of Shenefiel and Davis, and further in view of U.S. Patent 5,937,162 to Funk, *et al.* (hereinafter Funk). Claims 41-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,680,551 to Martino, II (hereinafter Martino) in view of Gifford and Davis. Claim 44 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gifford in view of Shenefiel and Martino, and in further view of Davis.

Although Applicants respectfully disagree with the rejections, Applicants have amended Claims 1, 3-9, and 18-20. Applicants have cancelled Claims 2, 10-17, and 21-44. However, Applicants are not conceding that the remaining claims as originally formulated or the cancelled claims fail to present patentable subject matter. The amendments and cancellations are solely for the purpose of expediting prosecution. Accordingly, neither the amendments nor cancellations should be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

As discussed herein, the claim amendments are fully supported throughout the Specification. No new matter has been introduced by the claim amendments.

Aspects of Applicants' Invention

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by amended Claim 1, is a method for establishing a voice communication within an e-mail communication.

The method can include inserting a voice communications identifier in an e-mail message sent from a sender at a sending node to a recipient at a receiving node, wherein the voice communications identifier includes information to indicate that a voice communications link can be established between the sending and receiving nodes; embedding within the voice communications identifier an executable voice communications link program code, the program code configured to execute within the receiving node to establish a voice communications link for transmitting and receiving voice communications over a voice-based communications network between the sending node and the receiving node, wherein the program code comprises a binary representation of a compiled object; transmitting the e-mail message to the recipient; displaying a selectable symbol corresponding to the voice communications identifier in the e-mail message received at the recipient for establishing voice communications by the recipient; and responsive to the recipient selecting the selectable symbol, establishing the voice communications link between the sender and the recipient. See, e.g., Specification, page 9, line 11 to page 13, line 13; see also Figs. 1-2.

The Claims Define Over The Prior Art

Gifford discloses a method and system for providing unified messages services to a subscriber. The subscriber utilizes an active interface embedded in an e-mail notification to control delivery of a non-literal, single media or multimedia message to the subscriber. Such a non-literal message includes, but is not limited to, any of a hyperlink-based message, a voicemail message, a facsimile, and a video clip. The active interface provides access to communications-related services as well, including access to stock/options trading and bill payment. See Abstract.

Clearly, Gifford does not disclose a selectable symbol displayed in the e-mail message received at the recipient for establishing a voice communication by the recipient with the sender, as recited in Claim 1 of the instant application. Fig. 2 of Gifford shows a user interface that provides unified communication services including calling services 202. However, it is noted that the buttons in the calling services 202 are displayed in a user interface, not displayed directly in the email message received by the recipient as in the present invention. It is also noted that the calling services 202 in Gifford do not establish a voice communications link between the sender and the recipient of the email message, but rather, the services in Gifford permit the user to place a call or return a call earlier placed to the user.

Col. 7, lines 46-56 of Shenefiel describes that the XML parser 70 parses the accessed application XML document, and in response to determining that the accessed application XML document includes an XML tag (i.e., voice command identifier) that specifies performing an IMAP operation based on supplied user speech information, the application runtime environment 78 instantiates in step 106 the speech recognition process from the user interface services 80 and identifies from the supplied audio (.wav) file the specified messaging operation and any specified operands, including a reference to folder, a reference e-mail, etc.

It is not clear how this passage discloses a voice communications identifier according to the present invention. A "voice command identifier" as mentioned in the above passage may sound similar to a "voice communications identifier," but they are totally different concepts. The voice communications identifier according to the present invention includes information to indicate that a voice communications link can be established between the sending and recipient nodes (see, e.g., Specification, page 9, lines 11-13 and page 11, lines 3-4). In contrast, a voice command identifier includes information to identify a voice command specified in a HTTP request.

The other cited references do not make up for the deficiencies of Gifford and Shenefiel as discussed above.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claim 1, as amended. Applicants therefore respectfully submit that amended Claim 1 defines over the prior art. Furthermore, as each of the remaining claims depends from Claim 1 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Applicants believe that this application is now in full condition for allowance. Allowance is therefore respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the

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Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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